

REMARKS

This amendment is submitted in response to the Examiner's Action dated April 10, 2007. Applicants have amended the claims to clarify key features of the invention, overcome the § 101 claim rejections, and place the claims in condition for allowance.

Applicants are not conceding in this application that the independent claims and their dependent claims, as originally presented, are not patentable over the art cited by the Examiner. The present claim amendments and/or cancellations are only for facilitating expeditious prosecution of subject matter that Applicant believes is allowable over the references. Applicants respectfully reserve the right to pursue these original claims and other claims in one or more continuations and/or divisional patent applications.

No new matter has been added, and the amendments place the claims in better condition for allowance. Applicants respectfully request entry of the amendments to the claims. The discussion/arguments provided below reference the claims in their amended form.

DOUBLE PATENTING

At paragraph 3 of the present Office Action, Claims 1, 2, 8, 10, 11, 18, 19, 20 and 28 (sic) are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 11-13 and 21-23 of U.S. Application No. 10/756,864 in view of *Cranor et al.* (U.S. Pat. No. 6,671,742). Applicants submit herewith a terminal disclaimer in compliance with 37 CFR 1.321(c). This filing overcomes the double patenting rejection and places the claims in condition for allowance.

CLAIMS REJECTIONS UNDER 35 U.S.C. § 101

At paragraph 2 of the Office Action, Examiner rejects Claims 10-27 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Accordingly, Applicants have amended Claims 10-27 to overcome the § 101 rejections. The claims are now directed to statutory subject matter, and Applicants respectfully request entry of the amendment and removal of the § 101 rejections.

CLAIMS REJECTIONS UNDER 35 U.S.C. § 102

In the present Office Action, Claims 1, 5, 9, 10, 14, 18, 19, 23 and 27 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Cohen* (U.S. Patent No. 5,881,315). *Cohen* does not anticipate Applicants' claimed invention because *Cohen* does not teach each feature recited by Applicants' claims. Specifically, *Cohen* fails to teach the following elements, which have been added to Applicants' independent claims:

- (1) providing within said subscription object an address of a node associated with a subscribing component, which generated said subscription object; and
- (2) registering said node within said communicating interface as requesting at least a notification of said published data, wherein said node receives a notification when only a notification is desired and said node receives said published data when said published data is requested, based on a type of registration requested by the subscription object; (Claim 1, as amended);

Examiner states at page 6 of the Office Action that the above features are not explicitly taught by *Cohen*. Thus, adding these feature to the independent claims overcomes the § 102 rejections of the above claims. The standard for a § 102 rejection requires that the reference teach each element recited in the claims set forth within the invention. As clearly outlined above, *Cohen* fails to meet this standard and therefore does not anticipate Applicants' invention. Applicants addresses the failure of *Cohen* when combined with the other references to suggest these features in the § 103 arguments below.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

In the present Office Action, Claims 2, 4, 6, 11, 13, 15, 20, 22 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Cohen* in view of *Pohlmann et al.* (U.S. Pat. No. 6,366,926). The features of Claims 2, 11, and 20 have been incorporated into their respective independent Claims 1, 10, and 19. The arguments below are thus directed to the independent claims.

The combination of *Cohen* and *Pohlmann* does not render Applicants' claimed invention unpatentable because that combination does not suggest the subject matter recited by Applicants' independent claims. Namely, that combination fails to teach the features of the independent claims recited in the § 102 section above. As is clearly recited by those claim elements, (1) it is the address of the subscribing component (node) that is included within the subscription and (2) the node address is then registered to receive (a) a notification rather than the published data if

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only the notification is desired, as indicated by the context information, or (b) the actual published data, when said published data is requested.

Neither *Cohen* or *Pohlmann*, nor the combination of *Cohen* and *Pohlmann* suggest these features of Applicants' claims. *Cohen* generally teaches an "event management service (EMS)... includes a queueing mechanism for controlling passage of events through an event channel when multiple event consumers cannot consume events being generated ... [the queueing mechanism] includes an input queue... an active queue... and a consumer queue" (Abstract). The specific sections of *Cohen* recited by Examiner (namely col. 5, lines 31-32, col. 6, lines 33-38, col. 7, lines 15-25) do not suggest anything remotely close to the above claim features and are not presented to reject those features.

Pohlmann generally provides a "method for routing a subscription request ... having... a node specific field ... creating a list of nodes and event manager contact information and transmitting the subscription request to at least one event manager located on a node that is included on a list of nodes" (Abstract; underline added to emphasize the connection of the node with the event manager and not the subscriber). The cited sections of *Pohlmann* relied upon by Examiner, namely col. 5, lines 31-32 and 16-28 respectively provide the following features:

- (1) the unique ID and a datagroup from which this request came, uniquely defines the subscription; and
- (2) "a subscription request is sent to event manager 411 on node b 410... adds this request to its list of outstanding request ... matching event is forwarded, e.g., published, to the requester ... until the subscription is canceled." (underline again added to emphasize that the "node" is associated with the event manager, which is a publishing component, rather than the subscriber).

It is very clear that nothing in either of these sections of *Pohlmann* suggest the use of a subscriber node address. Further nothing in either of these sections suggest linking to the subscription (or the node address) a request that causes the publisher to return only (a) a notification of the publication or (b) the actual published data.

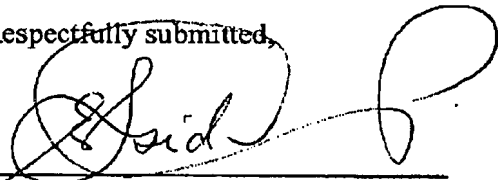
Given that neither reference even remotely suggests or contemplates such an implementation, it is clear that the combination of references does not suggest either of the above recited claim features of Applicants' invention. Thus, one skilled in the art would not find Applicants' invention unpatentable over the combination of references. The above claims are therefore allowable over the combination.

CONCLUSION

Applicants have diligently responded to the Office Action by amending the claims to overcome claim objections and rejections, and to clarify features within specific claims. Applicants have provided discussion/arguments which show why Applicants' claims are not anticipated by or obvious in light of the references or combinations thereof. Applicants have also filed herewith a terminal disclaimer to overcome the provisional double patenting rejection. Since the amendments and arguments overcome the §§ 101, 102 and 103 rejections, Applicants respectfully request issuance of a Notice of Allowance for all claims now pending.

Applicants further respectfully requests the Examiner contact the undersigned attorney of record at 512.343.6116 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,



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